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**REMARKS**

Claims 1-38 remain under consideration. The claims have been amended solely to correct typographical errors and not to avoid any reference, and with no new matter added with the amendments to the claims and specification.

**A. The Examiner objected to the drawings on several grounds and to the specification, and to claims 6-9, 13, 16, 17, 18, and 22 under 35 U.S.C. §112**

A notation for element 74 has been added to FIG. 5, obviating the Examiner's objection. Element 78 has been deleted from the specification, obviating the Examiner's objection. Reference character "A" has been amended to "AA" in FIG. 8 and in the specification, obviating the Examiner's objection. A notation for element 166 has been added to FIG. 6, obviating the Examiner's objection. Applicants traverse the Examiner's objection to use of the abbreviations RDP and DRP, as each abbreviation is defined in the specification, at pages 3, lines 1-2 and page 11, lines 24-25. The specification has been amended to clarify block 151, obviating the Examiner's objection. The specification has been amended to obviate the Examiner's objection based on "RPC apparatus 66 as including a speed sensor 80." The Examiner's objection to blocks 154 and 162 is traversed, as it is quite clear that the "entry point" referenced in block 154 is the RPC entry point, and that the "entry point" referenced in block 162 is the RDP entry point. The objection to block 160 has been obviated. The objections in paragraph 6 have been obviated by correction of the Figure.

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The objections to claims 11, 20, and 31 are traversed. The specification and figures clearly indicate that, as claimed in claims 11, 20, and 31, "ECU 70 compares the rear brake pressure measured by the rear brake sensor 84 and the vehicle deceleration calculated at block 122 of FIG. 7 with a deceleration/pressure characteristic for the vehicle, stored as a look up table, or from an equation in the ECU 70, to determine if the vehicle is operating at LVW or GVW." See, page 20, line 1. The Examiner has confused the determinations of step 126 with step 128. Specifically, step 126 calculates the *RDP term* as a predetermined relationship of rear wheel acceleration to rear brake pressure. See, page 18, lines 18-20. The objections to claims 13, 26, and 38 have been obviated by deletion of the claim material.

The Examiner's objections to the specification have been obviated by amendment. The Examiner's objection to the use of the term "g" is traversed, as those of ordinary skill in the art are well acquainted with the term "g" as referencing the force of gravity upon a body. Thus, ".55g" refers to a force approximately 55% of gravitational force. More precisely, according to *The American Heritage® Dictionary of the English Language, Fourth Edition*, g is

"The constant in Newton's law of gravitation that yields the force one body exerts on another when multiplied by the product of the masses of the two bodies and divided by the square of the distance between them. It equals  $6.67 \times 10^{-11} \text{ m}^3\text{kg}^{-1}\text{s}^{-2}$ ."

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The Examiner's several objections to claims 1-21, 27-31 and 34-36 for informalities, and §112 rejections to claims 6-9, 13, 16, 17, 18 and 22, have been obviated by amendments to the claims. These amendments are made to correct typographical errors, and not to avoid any references.

Withdrawal of the objections and §112 rejections is requested.

**B. Claims 1-4, 23, 25, 32, and 37 were rejected under 35 USC §102(b) as anticipated by King.**

The §102(b) rejection of claims 1-4, 23, 25, 32, and 37 as anticipated by King is traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

King does not disclose an "anti-lock brake apparatus" as claimed in independent claims 1, 3, and 23. Therefore, King cannot anticipate claims 1, 3, and 23, nor claims 2, 4, 25, 32, or 37 depending directly or indirectly therefrom. Applicants note that the phrase "anti-lock" originally occurred in the preamble, and Applicants have amended claim 1 to recite "anti-lock" within the body of the claim.

With respect to claims 25 and 37, King does not disclose that the rear brake circuit is controlled "as a function of a volume available in the fluid storage device..." The Examiner does not indicate where in King such a disclosure occurs.

Withdrawal of the rejections to claims 1-4, 23, 25, 32, and 37 is requested.

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**C. Claims 5-9 and 14-18 were rejected under 35 USC §102(b) as anticipated by Prior Art FIG. 1.**

The §102(b) rejection of claims 5-9 and 14-18 as anticipated by FIG. 1 is traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

FIG. 1 does not disclose that the RPC controls the "rear brake circuit as a function of the rotational speed of at least one rear wheel and the rear brake pressure," as claimed in claim 5. At most, FIG. 1 discloses a "differential pressure switch 24 is operatively connected to sense the difference between the pressure in the rear brake circuit 16 at the inlet of the apply valve 18, as supplied by the master cylinder 12, and the pressure in the rear brakes...." (p. 4, lines 18-21). Therefore, FIG. 1 cannot anticipate claim 5. Claims 6-9 depend directly or indirectly from claim 5 and are therefore patentable over FIG. 1 for at least the same reasons.

Similarly, claim 8 requires that the "rear brake pressure sensor is connected in fluid communication with the outlet of the apply valve and the inlet of the release valve." As noted above, differential pressure switch 24 is connected to the inlet of the apply valve, rather than the outlet. Therefore, claim 8 cannot be anticipated by FIG. 1 for at least this additional reason.

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Additionally, claim 9 requires that the ECU is "operatively connected to the HCU, the rear brake pressure sensor, and the rear wheel speed sensor, for controlling the HCU as a function of the rear brake pressure and the rotational speed of the at least one rear wheel." First, FIG. 1 discloses that the differential pressure switch 24 senses the difference in brake pressures, rather than the rear brake pressure. Second, FIG. 1 discloses that the controller uses the differential pressure, rather than the rear brake pressure. Therefore, claim 9 cannot be anticipated by FIG. 1 for at least this additional reason.

Likewise, claim 14 requires an "RPC controller for controlling the rear brake circuit as a function of the rotational speed of at least one rear wheel and the rear brake pressure." As outlined above, FIG. 1 only discloses a "differential pressure switch 24 is operatively connected to sense the difference between the pressure in the rear brake circuit 16 at the inlet of the apply valve 18, as supplied by the master cylinder 12, and the pressure in the rear brakes...." (p. 4, lines 18-21). Thus, FIG. 1 cannot anticipate claim 14, or claims 15-18 depending directly or indirectly therefrom.

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Similarly, claim 15 requires a "rear brake pressure sensor for sensing rear brake pressure" rather than the disclosed differential pressure switch. Claim 17 requires that the "rear brake pressure sensor is connected in fluid communication with the outlet of the apply valve..." rather than the disclosed inlet. Claim 18 requires "controlling the HCU as a function of the rear brake pressure and the rotational speed of the at least one rear wheel," rather than the disclosed differential pressure. Therefore, claims 15, 17, and 18 are patentable over FIG. 1 for at least these additional reasons.

Withdrawal of the rejections to claims 5-9 and 14-18 is requested.

**D. Claims 5 and 14 were rejected under 35 USC §102(b) as anticipated by Ferguson.**

The §102(b) rejection of claims 5 and 14 as anticipated by Ferguson is traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

Claims 5 and 14 require a RPC that controls the "rear brake circuit as a function of the rotational speed of at least one rear wheel and the rear brake pressure." In contrast, Ferguson discloses only controlling the brake circuit as a function of the speed of the rear wheels.

Withdrawal of the rejections to claims 5 and 14 is requested.

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**E. Claims 10, 11, 19, and 20 were rejected under 35 USC §103(a) as unpatentable over Prior Art FIG. 1 in view of King**

The §103(a) rejection of claims 10, 11, 19, and 20 as unpatentable over FIG. 1 in view of King is traversed. In order to maintain this rejection, each and every element of claims 10, 11, 19, and 20 must be taught or suggested, in as great detail as claimed, by the references, alone or in combination.

Claims 10 and 11 depend directly or indirectly from claim 5 and are therefore patentable over the references for at least the same reasons as claim 5 provided above.

Claims 19, and 20 depend directly or indirectly from claim 14 and are therefore patentable over the references for at least the same reasons as claim 14 provided above.

Withdrawal of the rejections to claims 10, 11, 19, and 20 is requested.

**F. Claims 10-12, 19-21, 23-25, 27, 32, and 37 were rejected under 35 USC §103(a) as unpatentable over Ferguson in view of King**

The §103(a) rejection of claims 10-12, 19-21, 23-25, 27, 32, and 37 as unpatentable over Ferguson in view of King is traversed. In order to maintain this rejection, each and every element of claims 10-12, 19-21, 23-25, 27, 32, and 37 must be taught or suggested, in as great detail as claimed, by the references, alone or in combination.

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Claims 10-12 depend directly or indirectly from claim 5 and are therefore patentable over the references for at least the same reasons as claim 5 provided above.

Claims 19-21 depend directly or indirectly from claim 14 and are therefore patentable over the references for at least the same reasons as claim 14 provided above.

Claim 23 requires "rear dynamic proportioning," and neither Ferguson nor King teaches or suggests such a limitation. As noted on page 10, lines 9-19 of the specification, Ferguson does not provide *dynamic* rear proportioning, but rather uses a pre-set routine of open and hold cycles of the isolation valve that may be wasteful of the limited volume of hydraulic fluid available from the master cylinder 12, and may also result in either under or over braking of the rear wheels under conditions where the pre-set routine of open and hold cycles is not optimal for the current operating conditions being experienced by the vehicle. The Examiner correctly does not rely on King for the teaching of rear dynamic proportioning.

Claims 24-25, 27, 32, and 37 depend directly or indirectly from claim 23 and are therefore patentable over the references for at least the same reasons.

Withdrawal of the rejections to claims 10-12, 19-21, 23-25, 27, 32, and 37 is requested.

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**G. Claims 26, 28-31, 33-36 and 38 were objected to as depending from rejected base claims**

The objection to claims 26, 28-31, 33-36 and 38 is traversed, as those claims depend from allowable claims. Withdrawal of the objection to claims 26, 28-31, 33-36 and 38 is requested.

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**CONCLUSION**

The Applicants respectfully submit that claims 1-38 fully satisfy the requirements of 35 U.S.C. §§ 102, 103, and 112. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

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Respectfully submitted,  
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